

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
February 11, 2022
10:00 A.M.**

10:00 AM Public Hearing - To receive public input regarding Ordinance No. 205-21 to amend the Town of South Bethany Chapter 145-14.3, "Ground covering allowed in setback area," Paragraph C, to permit the use of permeable pavers in the setback area and over the full width of the lot and eliminate a requirement to install conduit.

Mayor Saxton opened the Public Hearing at 10:00 a.m. Councilman Shaw and Code Enforcement Officer Joe Hinks explained amending Chapter 145-14.3, paragraph C, eliminating "no wider than 50% of the lot width and no closer than five feet to any side boundary line" permits the full use of the permeable area in the Town right of way and eliminates a requirement to install conduit if paver replacement becomes necessary. Mayor Saxton closed the Public Hearing at 10:11 a.m.

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the February 11, 2022, Town Council Regular Meeting to order at 10:11 a.m. followed by the Pledge of Allegiance to the Flag. Mayor Saxton noted the passing of residents Mary Suazo and Barbara Jayne, and to keep their families in your prayers. Mayor Saxton announced since Gov. Carney's lifting of the mask mandate, Town Hall will be open and available for non-governmental committees. Mayor Saxton thanked the Town staff and police department for all their hard work during the pandemic.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Derek Abbott, Randall Bartholomew, Sue Callaway, Edie Dondero, Dick Oliver, Tim Shaw; and Town Manager, Maureen Hartman, Administrative Specialist, Janet Powell; Chief Jason Lovins and Code Enforcement Officer, Joe Hinks. Public attendees: 10; remote attendees: 15.

Public Comment

Brenda Hossick – 8 S 3rd Street, commented that the speed limit should remain 20 mph throughout town, Route One speed limit should remain consistent with the Town of Bethany Beach, and replacing town speed limit signs is costly.

Dennis Roberts – 107 Canal Drive, supports lowering the speed limit, complimented the B&PSC for their work, and stated replacing town speed limit signs is a one-time minimal cost.

Ria Malinak, 1 N 5th Street – stated cars are not designed to drive at 15 mph and felt pedestrians have safety responsibilities as well as drivers.

Nina Link, 114 Elizabeth Way – supports lowering of the speed limit and asked if the Town was going to collect all the branches in yards from the recent snowstorm. Mayor Saxton stated property owners can bundle branches for yard waste day.

Kenneth Root, 105 Canal – suggested lowering the speed limit on certain roads on Ocean and Canal Drive, and in Cat Hill.

Diann Nazarian, 20 Peterson Drive – suggested the police department do a one-week pedestrian traffic study in the summer.

Adoption of Minutes

Motion by Councilman Abbott, seconded by Councilman Shaw; to adopt the December 10, 2021 Town Council Regular Meeting minutes. Councilman Bartholomew requested a modification, and Councilwoman Callaway noted a correction; motion by Councilman Abbott, seconded by Councilman Oliver to adopt the amended December 10, 2021 Town Council Regular Meeting minutes. Motion carried 7-0.

Motion by Councilman Oliver, seconded by Councilman Abbott to adopt the December 16, 2021 Town Council Workshop Meeting minutes. Councilwoman Dondero noted a correction, and motioned, seconded by Councilman Abbott, to amend and adopt the December 16, 2021 Town Council Workshop Meeting minutes. Motion carried 7-0.

Second Reading of Ordinance 205-21, to amend the Town of South Bethany Chapter 145-14.3, "Ground covering allowed in setback area," Paragraph C, to permit the use of permeable pavers in the setback area and over the full width of the lot and eliminate a requirement to install conduit, and possible action to adopt ordinance

Motion by Councilman Abbott, seconded by Councilwoman Dondero to adopt Ordinance 205-21. Motion carried 7-0.

Discussion and possible action on adoption of 2022 Sussex County Tax Assessment for the Town of South Bethany 2023 Fiscal Year (May 1, 2022 to April 30, 2023)

Motion by Councilman Bartholomew, seconded by Councilman Abbott to adopt the Town of South Bethany 2022 Sussex County Tax Assessment. Motion carried 7-0.

Discussion and possible action on the Bicycle & Pedestrian Safety Ad-hoc Committee recommendations to install pedestrian warning signs at RRFBs on Coastal Highway and improve the design and increase the number of pedestrian directional stencils and install signs advising pedestrians to walk facing traffic and cyclists to ride with the flow of traffic

The Council unanimously support stencils with texts, and Councilman Shaw expressed concern that there are no instructions on signs for drivers to yield to pedestrians while the light is blinking on Route One. Councilwoman Dondero responded she will contact DelDOT with a recommendation to install signs with instructions for drivers on Route One. Motion by Councilwoman Dondero, seconded by Councilman Abbott to accept the B&PSC recommendations to install pedestrian warning signs at RRFBs on Coastal Highway. Motion carried 7-0. Motion by Councilwoman Dondero, seconded by Councilman Oliver to accept the B&PSC's recommendation to improve the design and increase the number of pedestrian directional stencils and install signs advising pedestrians to walk facing traffic and cyclists to ride with the flow of traffic, in select locations as determined by the committee and in conjunction with the police department. Motion carried 7-0.

Discussion and possible action on reducing the speed limit to 15 mph in the Town of South Bethany per recommendations from the Bicycle & Pedestrian Safety Ad-hoc Committee

Mayor Saxton noted if reducing the speed is passed, there will be an amended Ordinance for Town Code and noted reducing the speed limit may conflict with Delaware State law, which Chief Lovins is reviewing with the Attorney General's office for clarification. Councilwoman Callaway asked Chief Lovins his opinion reducing the speed limit in Town, which the Chief stated it is rare the police department sees any driver drive over 20 mph, has no documented speed related collisions, has no statistical data to support the reduction, there is no need to lower the speed limit on Ocean Drive, but he does support a traffic study in Cat Hill. Councilman Bartholomew and Mayor Saxton suggested temporary speed bumps on various roads during the summer months. Motion by Councilman Abbott, seconded by Councilman Shaw to refer the Charter and Code committee and Chief Lovins, in conjunction with the Attorney General's office and Delaware State Law, can reduce

the speed limit in Town and its procedure and report back to the B&PSC and Town Council. Motion carried 7-0.

Discussion and possible action on the approval of the 2022 Election Board Judges

Mayor Saxton presented the nominees for the 2022 Election Board Judges. Motion by Councilwoman Dondero, seconded by Councilman Shaw to appoint Jane Bonbright, Brad Gough and Pat Weisgerber as the Election Board Judges for the 2022 Election. Motion carried 7-0. Motion by Councilman Oliver, seconded by Councilman Abbott to appoint John Stephani as an alternate Judge. Motion carried 7-0.

Discussion and possible action on the approval to appoint Chris Vanuga, Chair to the CWQ committee

Councilwoman Callaway publicly stated she hopes the CWQC will utilize the information from CIB, Town Manager Hartman and previous chair, Frank Weisgerber, and discuss an outcome of the existing wetlands and deteriorating oyster beds on the canal ends. Motion by Councilman Abbott, seconded by Councilman Oliver to appoint Chris Vanuga as Chair to the Canal Water Quality Committee. Motion carried 7-0.

Discussion of results from South Anchorage lighting survey

Town Manager Hartman announced the results of the South Anchorage lighting survey: 27 to 18 in favor of the addition of three (3) lights to be located on pole #2, 8, 12 (along with existing light #16). Ms. Hartman noted there is an existing active light at pole #4. After a field review of the proposed locations with Councilwoman Callaway, it was recommended the Town offer to add only one additional light at pole #10, which would provide a light at every 6th pole, (poles 4, 10, and 16). This recommendation satisfies the yes votes with additional lighting, noting the no votes will only see one additional light as opposed to three. Councilwoman Dondero questioned the bulb wattage and possible sensors and Town Manager Hartman assured Delmarva Power will match the bulb to the existing lights. Motion by Councilman Oliver, second by Councilwoman Callaway to add one additional light at pole #10. Motion carried 7-0.

Discussion of Chapter 125, Traffic Obstructions

Mayor Saxton announced there will be no rescinding Town correspondence, nor fines pursued, regarding the November 24, 2021 Town Right of Way Specification Code letter. Mayor Saxton did encourage property homeowners not to install chains on their property near the Town right of way.

Discussion and possible action regarding revisions to the police pay scale

Mayor Saxton tabled revisions to the police pay scale, stating it will be discussed at the February 24, 2022 Town Council Workshop meeting.

Leadership Reports – Reports Posted Online

Mayor's Report – report submitted. Mayor Saxton added the Town received a letter from FEMA acknowledging property owner, Ed Bintz's appeal, Sussex County Council will be voting on an Ordinance for RTT Grant disbursement, and Sussex County Council will notify each Town when property assessments begin.

Town Manager Report – report submitted. Town Manager Hartman commended the public works department for their work during the snowstorm, and Police Officer Terek Fullerton, who assisted a property owner during the snowstorm, and congratulated Administrative Specialist Janet Powell for receiving her CMC certification.

The Treasurer Report – report submitted.

Committee and Commission Reports – Reports Posted Online

The Budget and Finance Committee – report submitted.

Canal Water Quality Committee – no report. Councilman Abbott thanked Jack Whitney for his service, and congratulated Chris Vanuga as the new chair.

Charter and Code Committee – report submitted.

Communications and Public Relations Committee – report submitted.

Community Enhancement Committee – report submitted.

Planning Commission – no report.

Bicycle & Pedestrian Safety Ad Hoc Committee – no report.

Adjournment

Motion by Councilman Abbott, seconded by Councilman Shaw to adjourn the February 11, 2022 Town Council Regular Meeting at 11:40 a.m. Motion carried 7-0.